

Message

From: Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 6/21/2017 8:11:55 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: RE: 404 permitting and JD question
Attachments: Downing comments on assumption control re WOTUS sak.docx

Mindy,

Attached is a letter back to NV that Donna (thanks Donna) and Simma have reviewed and commented on. I asked a question of Simma about **Ex. 5 Attorney Client (AC)** but I don't think it is critical so if you want to get this out today before you go on vacation, it is attached.

- Kathy

From: Eisenberg, Mindy
Sent: Friday, June 16, 2017 8:16 PM
To: Downing, Donna <Downing.Donna@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>
Subject: Fwd: 404 permitting and JD question

Assumption question

Sent from my iPhone

Begin forwarded message:

From: Jennifer Carr <jcarr@ndep.nv.gov>
Date: June 16, 2017 at 7:37:16 PM EDT
To: "Eisenberg.Mindy@epamail.epa.gov" <Eisenberg.Mindy@epamail.epa.gov>
Subject: 404 permitting and JD question

Hi Mindy,

I have a question about State assumption of the 404 program that I can't find an answer to on line. I am aware that states can apply for assumption of the 404 permitting program. There is a belief in my leadership team that such an assumption also would permit the states the authority to make Jurisdictional Determinations of Waters of the US vs. waters of the State. I don't think that the latter is true, but I'm having trouble finding out which is accurate. Do you know off the top of your head?
Thanks, Jennifer



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